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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See the American Inventors Protection Act of 1999 (AIPA).

Application Number	10/726,367
Filing Date	December 3, 2003
First Named Inventor	Robert C. Becker et al.
Group Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	H0003414-5832 DIV I (P02,0126 02)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on Aug. 9, 2005  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply 09/27/2005 BABRAHA1 00000054 10726367 01 FC:1801 790.00 OP
- ii. ☐ Affidavit(s)/Declaration(s) 09/27/2005 BABRAHA1 00000054 10726367
- iii. ☐ Information Disclosure Statement (IDS) 02 FC:1251 120.00 OP
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of Action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE under 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 501519.
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee – One month from Sept. 6, 2005 to Oct. 6, 2005 (37 C.F. R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$790.00 & 120.00 (filing fee & 1 month extension fee) enclosed
- c. ☐ Payment by credit card (Form PTO 2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Mark Bergner Registration No. Attorney/Agent 45,877  
Signature *Mark Bergner* Date September 23, 2005

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type) Mark Bergner  
Signature *Mark Bergner* Date September 23, 2005